

EXHIBIT 1
DEPOSITION OF WENDY
ROBERSON PGS. 65 THROUGH 133

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<p>65</p> <p>1 A. If -- if there was record 2 of it it would have been probably 3 verbal between officer to officer 4 as to what we had done. It 5 wouldn't necessarily be something 6 that was written down. 7 Q. Well, looking through the 8 jail file that was produced to me, 9 I don't see any indication of any 10 such follow up -- 11 A. Well -- 12 Q. -- so -- 13 A. -- there's probably not a 14 written account of our attempts to 15 contact doctors. However, you do 16 see copies in the file of 17 physician's orders and so forth 18 that would indicate that there was 19 an attempt made to collect some 20 kind of medical history on this 21 inmate. 22 Q. Who would have been 23 responsible for collecting the</p>	<p>67</p> <p>1 suffered medical issues. And the 2 turnover in the jail was great as 3 far as inmates being incarcerated 4 and being released, and for me to 5 remember any one specific inmate's 6 medical care would not be 7 reasonable. 8 Q. Who was Dr. Weaver? 9 A. Dr. Weaver was to my 10 knowledge a physician here in the 11 county. He had an office located 12 in close proximity to the jail that 13 the county specified that we use 14 for inmate care when possible. We 15 also used Dr. James over in the 16 Alexander City area when Dr. Weaver 17 was not available. 18 Q. Did you use any other 19 physicians? 20 A. Not to my knowledge. I 21 believe that there was another 22 doctor in the office with Dr. 23 James, a female doctor, in the same</p>
<p>65</p> <p>1 medical history on the inmate? 2 A. It would have been a 3 collective effort between the 4 officers on shift and myself. 5 Q. I don't see anything in 6 the file that is any medical record 7 from around the time of November 8 the 13th. The first medical 9 records that I see in the file is 10 in the records from Dr. Weaver, and 11 that would be November twenty -- I 12 think the 26th. 13 Are you aware of any 14 medical record in the file prior to 15 the medical record from Dr. Weaver? 16 A. Sir, the only thing that I 17 can say for certain is -- is what I 18 can see that's present in the file. 19 I have no personal actual 20 recollection of any of these 21 accounts, and you have to 22 understand that Mr. Kelly was not 23 the only inmate in the jail that</p>	<p>68</p> <p>1 building that saw some of our 2 inmates occasionally. 3 MS. MCDONALD: Before I 4 forget about it, let me give you 5 this (indicating). 6 A. I believe her name was 7 Goldhagan or something of that 8 nature. But I could not say as to 9 whether -- or which doctor Brian 10 Kelly saw. 11 Q. Now, back to my question, 12 though. Why didn't you sign this 13 intake form? 14 A. I would imagine, first and 15 foremost, that it was an oversight 16 on my part. I would also imagine, 17 because I have no actual 18 recollection of the event, but I 19 can tell you through just random 20 incidents that if he did appear to 21 be under the influence, I was 22 probably having to deal with him 23 and the paperwork at that moment</p>

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<p>69</p> <p>1 was secondary. I got what I needed 2 to have.</p> <p>3 Q. Now, when you got this 4 information that he was suffering 5 from seizures and he was bipolar 6 and had artificial vertebrae in his 7 back, what did you do to pass that 8 information along to the jail 9 staff?</p> <p>10 A. I would have orally 11 informed each of the officers on 12 shift. I would have created a 13 medication form if he had any 14 medications and prepared those for 15 day-to-day use as far as his 16 dosaging and actual dispensing of 17 those medications. And would have 18 -- my -- initially it would have 19 been -- my focus would have been on 20 verifying what he had told me.</p> <p>21 Q. Now, the -- you said, 22 verifying what he had told you, 23 this is when you called around to</p>	<p>71</p> <p>1 would be if they're not in this 2 file?</p> <p>3 A. If I'm not mistaken, his 4 parents were in charge of 5 delivering those forms. His 6 parents were very active, actively 7 making themselves present in the 8 jail during his incarceration. I 9 don't remember specifically, but I 10 do remember that there was a lot of 11 interaction between his parents and 12 the corrections officers as far as 13 bringing medications, bringing 14 forms, and then trying to verify 15 that he did in fact have these 16 problems.</p> <p>17 Q. And you said they were 18 very active. How often would you 19 see his parents?</p> <p>20 A. Going back to your 21 question that you did not see 22 anything in the file regarding our 23 attempts for HIPAA forms and so</p>
<p>70</p> <p>1 the doctors and --</p> <p>2 A. That would be when I would 3 initially start trying to find out 4 if in fact he had these conditions, 5 if he was being currently treated 6 for these conditions, and I can't 7 -- I can't specifically say but I 8 do recall not being able to make 9 contact with -- and I don't 10 remember who the doctors were. I 11 remember we had a great deal of 12 trouble trying to get any 13 information, and, of course, with 14 the HIPAA law he has to sign forms, 15 those forms have to be faxed to 16 those particular doctors, giving 17 them permission to release medical 18 information to us. It's quite a 19 process.</p> <p>20 Q. I don't see any of those 21 forms that you would have had him 22 sign in the jail file that was 23 produced. Do you know where they</p>	<p>72</p> <p>1 forth, I have a copy of an 2 authorization for release of 3 medical information before me in 4 this file.</p> <p>5 Q. What's the date of that?</p> <p>6 MS. MCDONALD: It looks 7 like it's signed November the 10th.</p> <p>8 A. Yes, the 10th day of 9 November, 2003.</p> <p>10 MS. MCDONALD: But it's 11 been notarized by Joan Ashworth, 12 who's the secretary over in the 13 commission -- I mean, over in the 14 sheriff's office, so --</p> <p>15 A. I can assure you that all 16 attempts were made to validate his 17 claims.</p> <p>18 Q. (By Mr. Stockham) Let me 19 ask you this. Why would you have a 20 HIPAA request signed November 10th 21 when he wasn't enrolled in the jail 22 until November the 13th?</p> <p>23 A. That I cannot answer.</p>

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<p>73</p> <p>1 Q. It doesn't make sense, 2 does it?</p> <p>3 A. No, sir.</p> <p>4 Q. Unless that's just the 5 wrong date?</p> <p>6 A. That's correct.</p> <p>7 Q. But you don't -- I'm 8 looking for that particular 9 document and I'm not finding it. 10 Oh, I think I did find it, marked 11 as Exhibit Two. Is this the 12 document that you're talking about 13 (indicating)?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Do you know -- this is to 16 provide -- for medical authorities 17 to provide the information to --</p> <p>18 A. His mother.</p> <p>19 Q. -- his mother.</p> <p>20 A. And there again I point 21 out that his parents were advocate 22 -- took upon themselves to be 23 advocates for Mr. Kelly during his</p>	<p>75</p> <p>1 it was before he ever got there.</p> <p>2 Q. (By Mr. Stockham) Other 3 than that document, are you aware 4 of any other documents to obtain 5 medical records for -- that you had 6 the jail issue to any doctors to 7 get medical information?</p> <p>8 A. I can only testify to what 9 I see in the file.</p> <p>10 Q. Now, with regard to the 11 medical information, his mother 12 told you that he suffered from 13 seizures, didn't she?</p> <p>14 A. I don't remember that 15 conversation. I cannot say that 16 she did or did not, but I have no 17 recollection of it.</p> <p>18 Q. Well, you say that his 19 parents were very active in his -- 20 looking after his situation in the 21 jail. How frequently would you see 22 his parents at the jail?</p> <p>23 A. His father daily.</p>
<p>74</p> <p>1 incarceration at which time created 2 a lot of exacerbation for the 3 sheriff's department.</p> <p>4 Q. Well, apart from this 5 document that was apparently 6 created before he was arrested and 7 put in jail --</p> <p>8 MS. MCDONALD: Object to 9 the form. The date may be on there 10 before he was actually 11 incarcerated, but that does not 12 mean that the date was incorrect, 13 or that this was created before he 14 ever got there.</p> <p>15 MR. STOCKHAM: Well, the 16 date is before he ever got there.</p> <p>17 MS. MCDONALD: I will 18 agree with you, the date is before 19 he was incarcerated on the November 20 the 13th time. He was incarcerated 21 prior to that, but it has been -- 22 maybe Ms. Kelly brought it down 23 there to be notarized by Joan and</p>	<p>76</p> <p>1 Q. And how about his mother?</p> <p>2 A. Ms. Kelly was not as prone 3 to directly come to the jail but I 4 do remember having frequent phone 5 calls from her.</p> <p>6 Q. When you say, frequent, 7 how frequent?</p> <p>8 A. I would say possibly every 9 -- I don't -- I can't say 10 specifically but they were frequent 11 to the point that I felt that it 12 was -- well, for example, if I had 13 eighty inmates in the jail I would 14 probably never hear from the 15 parents of any of them. But in Mr. 16 Kelly's case, I was hearing from 17 his mother probably more than once 18 a week, maybe more than twice a 19 week.</p> <p>20 Q. Well, now, you didn't have 21 eighty inmates in the jail in this 22 time frame, did you?</p> <p>23 A. I can't tell you what the</p>

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<p>77</p> <p>1 population was at this time.</p> <p>2 Q. Well, you carry in -- the</p> <p>3 daily shift report and the daily</p> <p>4 tower log reflects what the</p> <p>5 population is?</p> <p>6 A. What the head count is.</p> <p>7 Q. And if that reflects that</p> <p>8 it's around thirty that would be</p> <p>9 what the accurate reflection would</p> <p>10 be?</p> <p>11 A. Yes, sir.</p> <p>12 Q. What was the capacity of</p> <p>13 the jail?</p> <p>14 A. I believe it was</p> <p>15 seventy-nine.</p> <p>16 Q. So if there were thirty,</p> <p>17 then it would be less than half</p> <p>18 full?</p> <p>19 A. Half full, yes, sir.</p> <p>20 Q. Now, other than collecting</p> <p>21 the information about doctors, did</p> <p>22 you post anywhere for the people on</p> <p>23 successive shifts to know what the</p>	<p>79</p> <p>1 me, the drug logs that were in the</p> <p>2 file, would you look at those,</p> <p>3 please, ma'am.</p> <p>4 (Witness examining</p> <p>5 documents.)</p> <p>6 A. Yes, sir.</p> <p>7 Q. Who is responsible for</p> <p>8 filling out the drug log?</p> <p>9 A. The officer of that shift.</p> <p>10 Q. And who originally sets</p> <p>11 them up?</p> <p>12 A. The officer that does the</p> <p>13 booking of that particular inmate</p> <p>14 or the officer on shift at the time</p> <p>15 that that inmate is prescribed</p> <p>16 medications.</p> <p>17 Q. Now, looking at this,</p> <p>18 there's not a date on any of these</p> <p>19 med logs, are there?</p> <p>20 A. No, sir, there doesn't</p> <p>21 appear to be.</p> <p>22 Q. Would you ever be the</p> <p>23 person responsible for filling out</p>
<p>78</p> <p>1 medical problems were that Mr.</p> <p>2 Kelly suffered?</p> <p>3 A. Other than what was stated</p> <p>4 on his medical sheet there was --</p> <p>5 unless there was specific</p> <p>6 instruction, such as if we had an</p> <p>7 inmate that had to take certain</p> <p>8 medications prior to blood tests or</p> <p>9 something of that nature the next</p> <p>10 day, then there would be no</p> <p>11 specific posting other than orally</p> <p>12 from officer to officer. And there</p> <p>13 was a period of time designated at</p> <p>14 the beginning of each shift for the</p> <p>15 off-going officer to brief the</p> <p>16 on-coming officer of any pertinent</p> <p>17 information that they needed to</p> <p>18 know for the smooth operation of</p> <p>19 that shift.</p> <p>20 Q. Now, in his jail records</p> <p>21 that have been identified in the</p> <p>22 deposition of Al Bradley and the</p> <p>23 deposition of the medical -- excuse</p>	<p>80</p> <p>1 any of these med logs?</p> <p>2 A. Not unless -- and</p> <p>3 actually, just in a random glance</p> <p>4 through I do not see my handwriting</p> <p>5 nor my initials on any of these</p> <p>6 medication logs, I do not believe.</p> <p>7 Q. I'm going to show you one</p> <p>8 that might be.</p> <p>9 A. Okay. This one right here</p> <p>10 (indicating)?</p> <p>11 Q. Is there one that looks</p> <p>12 like under a day fourteen?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Under the S?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And under day fourteen</p> <p>17 opposite your -- beside your</p> <p>18 initials, whose initials are those?</p> <p>19 A. It looks like that could</p> <p>20 be Dana Harris. I can't tell if</p> <p>21 that's an H or a K. It looks like</p> <p>22 a K. I'm not sure.</p> <p>23 Q. Okay. Who is Dana Harris?</p>

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<p>1 A. Dana Harris was a 2 corrections officer with the 3 sheriff's department for a period 4 of time. 5 Q. No longer? 6 A. No, sir. It appears, 7 however, that that's a K. So I'm 8 not -- 9 Q. Do you know who that would 10 be? 11 A. No, sir, there were 12 several officers that came and went 13 through the sheriff's department 14 during my time there. 15 Q. And who is -- 16 A. Yeah, I'm sorry. We're 17 looking at -- that's Daniel Brian 18 Kelly's initials next to mine. 19 Q. And do you know who wrote 20 those initials? 21 A. Well, I -- it would most 22 certainly be him, that he took that 23 medication, that he was given that</p>	81	<p>1 hear you, I hear you, and the 2 reason why is the other copy that I 3 have is -- the only copy I have is 4 this right here (indicating). 5 That's why -- 6 MS. MCDONALD: Yours may 7 be all together; her's are not, so 8 bear with her, please. 9 MR. STOCKHAM: No problem. 10 Q. (By Mr. Stockham) I have 11 a series of them I wanted to ask 12 you about. 13 I'm looking at one that -- 14 first of all, what are these forms? 15 A. These are simply as 16 they're titled, Inmate Request 17 forms. 18 Q. And what is the -- how do 19 they get these forms? 20 A. They -- there are some 21 forms available to them in the cell 22 block or they may request one from 23 a corrections officer.</p>	83
<p>1 medication. 2 Q. Do you think that he wrote 3 that? 4 A. Yes, sir, I do. That was 5 policy and procedure that the 6 officer sign that they gave the 7 medicine, they observed the inmate 8 taking the medicine, and the inmate 9 was to sign that he did in fact 10 receive the medication. 11 Q. Now, there are a set of 12 jail requests forms. If you will 13 turn to those in there, that 14 section, I'd like to go over those 15 with you. 16 MS. MCDONALD: They're 17 scattered out throughout this -- 18 they're not in any order, so -- 19 MR. STOCKHAM: Well -- 20 MS. MCDONALD: I'm just 21 telling you they're not in order, 22 so she can't just go to -- 23 MR. STOCKHAM: I know, I</p>	82	<p>1 Q. And what are the purpose 2 of these forms? 3 A. For communication between 4 and the inmate and the officer to 5 document an inmate's request. 6 Q. So you won't respond to an 7 inmate without him filling out one 8 of the forms? 9 A. We do. However, if an 10 inmate wants to do an official 11 written request they may. Officers 12 are not always available to speak 13 personally with an inmate. You 14 have to understand, when a cell 15 block door is open you 16 automatically have a security 17 breach. It is not the officer's -- 18 it is not in the officer's best 19 safety interest to stand in an open 20 doorway with fifteen inmates. We 21 open cell block doors when 22 necessary to serve meals, to give 23 medications, to pass out razors, to</p>	84

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<p>1 pass out laundry and so forth. But 2 those periods of time are minimal, 3 they're for a specific purpose, and 4 the inmates have access to an 5 intercom system that goes directly 6 to the tower. So a written request 7 would be an assurance for an inmate 8 that his request would not be 9 forgotten or overlooked. 10 Q. I'm looking at one that is 11 dated -- at the bottom you date it, 12 12-15-03. I'm going to show you 13 what it looks like. 14 MS. MCDONALD: Here it is 15 (indicating). 16 THE WITNESS: Okay. 17 Q. I'm going to mark it as 18 the next Exhibit. 19 (Whereupon, Plaintiff's 20 Exhibit Three 21 was marked for 22 identification.) 23 Q. This is a -- appears to be</p>	<p>85</p> <p>1 purpose of you writing the 2 response? 3 A. I wrote the response to 4 justify the answer to his request. 5 He had already been seen by a 6 doctor for that and, you know, it 7 -- one of Mr. Kelly's problems as I 8 remember was that he had an 9 addiction to prescription 10 medication. He was asking 11 essentially for pain medication. 12 He wanted to see another doctor in 13 hopes of getting additional pain 14 medication. I felt that he had 15 been to a doctor. That doctor had 16 done, through his training and 17 knowledge, what needed to be done 18 to bring Mr. Kelly some relief, and 19 anything in addition to that was 20 not necessary. 21 Q. So that was just a 22 decision that you made without 23 consulting a doctor?</p> <p>87</p>
<p>1 a medical request that's dated, 2 10-13-03. He wasn't in the jail on 3 10-13-03, was he? 4 A. I don't know. 5 Q. Well, the intake form that 6 we looked at indicates that he was 7 in the jail on November -- 8 A. Mr. Kelly was in our jail 9 quite frequently. So for me to, 10 from memory, state when he was or 11 was not I could not do. 12 Q. Now, looking at this it 13 says, need to see a real doctor for 14 right arm rotor "cuff" is tore, in 15 pain twenty-four seven. And you 16 wrote the response on the bottom; 17 is that right? 18 A. Yes, sir. 19 Q. Why did you write the 20 response on this form? 21 A. I would assume that that 22 was the information that I had. 23 Q. But, I mean, what was the</p> <p>86</p>	<p>1 A. No, sir, that was a 2 decision I made after consulting a 3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 8 after Dr. James had injected him 9 with -- 10 A. Apparently, if I wrote 11 that, I had knowledge that he had 12 had recent treatment for that 13 injury. And I'm certainly not a 14 doctor. I'm not a nurse. I'm 15 looking at an inmate medical 16 summary where he was taken to 17 Pri-care for that medical 18 treatment. If a doctor who is 19 trained and certified says that 20 this is the treatment for this 21 injury and they give that, then 22 it's my position that the problem 23 has been solved.</p> <p>88</p>

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<p>89</p> <p>1 Q. Now, you say you were 2 looking at an entry that he had 3 been taken to Pri-care? 4 A. Yes, sir. 5 Q. Which -- is this the entry 6 that you're talking about 7 (indicating)? 8 A. No, sir. 9 Q. Okay. You're looking at a 10 summary that you did -- 11 A. Back in November. 12 Q. -- inmate medical summary? 13 MS. MCDONALD: If that's 14 the same date, 12-11, that should 15 be the same. It should be in the 16 file. 17 MR. STOCKHAM: Mark this 18 as the next -- 19 (Whereupon, Plaintiff's 20 Exhibit Four 21 was marked for 22 identification.) 23 Q. Looking at Exhibit Four --</p>	<p>91</p> <p>1 going to overmedicate me and he's 2 hopefully not going give me 3 medications that I do not actually 4 need or would be adverse in the 5 recuperation process. 6 So if Dr. James treated 7 him and gave him cortisone shots in 8 each shoulder for what he was 9 suffering, then as I had to 10 presume, not being a doctor, that 11 the doctor knew what he was doing 12 and certainly knew more as far as 13 Mr. Kelly's health overall than -- 14 in his good judgment than Mr. Kelly 15 did. 16 Q. But Mr. Kelly was telling 17 you after he had been to the doctor 18 he was still hurting? 19 A. Yes, sir. And we would 20 have been glad to have given him 21 Ibuprofen. 22 Q. But you didn't schedule 23 him to see another doctor, did you?</p>
<p>90</p> <p>1 if you'd look at that record. 2 A. Yes, sir. 3 Q. Is the entry that you've 4 written here on 12-15 related to 5 when he was taken to the doctor on 6 12-11-03? 7 (Whereupon, an 8 off-the-record 9 discussion was held.) 10 A. Yes, sir. It would be in 11 reference to this particular 12 doctor's visit. 13 Q. (By Mr. Stockham) So your 14 response was -- after he'd come 15 back and he said he was hurting, 16 you said that the doctor had 17 already treated him? 18 A. Yes, sir. And my position 19 on that is when I go to the dentist 20 for a toothache and he prescribes 21 me medication, and my tooth still 22 hurts, some of it I just have to 23 endure. I mean, a doctor is not</p>	<p>92</p> <p>1 A. No, sir. 2 (Whereupon, Plaintiff's 3 Exhibit Five 4 was marked for 5 identification.) 6 Q. Let me show you this entry 7 of November 30th. That's a request 8 to see Dr. James because his foot's 9 still hurting, isn't it? 10 A. Yes, sir. 11 Q. And the response at the 12 bottom is what? 13 A. Well, it's not my 14 handwriting, but it says or appears 15 to say, Dr. Michelle Goldhagen did 16 not advise inmate Brian Kelly that 17 he needed to go see Dr. James. She 18 advised him that his foot was 19 sprained and that he needed to 20 elevate it at night and they did 21 put a wrap on it. She also advised 22 him to take Tylenol for any pain. 23 Q. And this entry request was</p>

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<p>1 after he had come back and he was 2 still hurting? 3 A. Yes, sir. 4 MS. MCDONALD: Wait a 5 minute. After a request for what, 6 from the doctor, from Dr. 7 Goldhagen? 8 Q. After he'd come back from 9 the hospital and he was still 10 hurting, right? 11 A. I would -- I don't know. 12 MR. WILLFORD: Object to 13 the form. 14 Q. Now, who is that person 15 that wrote the entry at the bottom, 16 KSH? 17 A. I'm not certain. 18 Q. Was it Mr. Hay? 19 A. Kenneth S. Hay, yes, sir. 20 Q. Who is Kenneth S. Hay? 21 A. He was a corrections 22 officer. 23 Q. And was he just a</p>	93	<p>1 purpose of writing a written 2 response here on the bottom? 3 A. It was a reply to the 4 inmate's request. In most cases, 5 because of paper becoming a fire 6 hazard in the cell blocks, we tried 7 to eliminate any unnecessary paper, 8 and in most cases the officer would 9 approach the inmate and answer them 10 orally. And then the request would 11 actually be kept on file unless the 12 inmate specifically requested a 13 copy of it. 14 Q. Now, this that you 15 physically wrote out an answer to, 16 was it something for the other 17 officers to review? 18 A. Certainly. 19 Q. Was it posted for them all 20 to come see what the responses 21 were? 22 A. It was placed in the file. 23 Q. In the jail file?</p>	95
<p>1 corrections officer, or what rank 2 did he have? 3 A. He was a -- well, his rank 4 changed over time, but -- 5 Q. In this time frame. 6 A. I'm not certain. He could 7 have been a corporal at that time, 8 and he did a lot of transport to 9 inmate visits. So I would assume 10 that if he wrote this he was 11 present with the inmate when the 12 inmate was seen by Dr. Goldhagen. 13 Q. And you had an -- Mr. Hay 14 was your assistant? 15 A. Yes, sir, for a time. 16 Q. Now, when Mr. Hay would 17 write these responses on here, 18 would he give them back to the 19 inmate or what would he do with it? 20 A. I can't say what Mr. Hay 21 did. 22 Q. Well, what would he do 23 with this document? What was the</p>	94	<p>1 A. In the inmate's file. 2 Q. It wasn't posted for -- 3 put in a position for you or the 4 jail administrator or for the 5 sheriff to look at? 6 A. No, sir. 7 (Whereupon, Plaintiff's 8 Exhibit Six 9 was marked for 10 identification.) 11 Q. I'm going to show you next 12 -- this is another document dated 13 the next day -- 14 A. Yes, sir, I'm looking at 15 it in the file. 16 Q. Okay. And this document 17 pretty much asks the same thing, 18 doesn't it? 19 A. Well, to some degree, but 20 I -- I would be surprised to know 21 that -- that Mr. Kelly has medical 22 experience in the capacity to know 23 that he has torn ligaments.</p>	96

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<p style="text-align: right;">97</p> <p>1 Q. It says, it hurts all 2 night long; that's what it says, 3 isn't it? 4 A. Yes, sir. Well, actually 5 -- yes, sir. 6 MS. MCDONALD: You can 7 read it. 8 Q. And the response is that 9 -- well, he didn't get to go see 10 the doctor, right? 11 A. Yes, sir. And it also 12 states that his foot had been 13 X-rayed and that the doctor found 14 no damage to his foot. 15 What I see in these 16 requests is somebody that's looking 17 for pain medication, that's what I 18 see. He's been to a doctor, the 19 doctor has advised us as to what 20 the problem is. Did it hurt or 21 not? Mr. Kelly only knows that. 22 But based on what the doctor was 23 telling us, it appears to me that</p>	<p style="text-align: right;">99</p> <p>1 Q. I'll show you what's 2 marked as the next Exhibit, Seven. 3 That's another request to see the 4 doctor. 5 A. Yes, sir. 6 Q. There's no response to 7 that one, is there? 8 A. No, sir. 9 Q. Why would there be no 10 response to that? 11 A. Well, it appears that two 12 days in a row Mr. Kelly had been 13 advised of what the jail position 14 was on his request. At this point 15 it became repetitive and -- you 16 know, pretty much unnecessary to 17 continue responding to them. We 18 have inmates issue as many as 19 fifteen inmate requests in a day 20 for the same thing. 21 Q. Well, he was still 22 hurting, wasn't he? 23 MR. WILLFORD: Object to</p>
<p style="text-align: right;">98</p> <p>1 Mr. Kelly is looking for a way to 2 get pain medication. 3 Q. Did the doctor tell you 4 anything about whether or not he 5 should get pain medication? 6 A. If the doctor felt that he 7 needed pain medication, the doctor 8 would have certainly prescribed him 9 that medication. What I see in the 10 notes of the officers is that the 11 doctor advised him to take Tylenol. 12 Q. You didn't call the doctor 13 -- any doctor, after you received 14 this request, did you? 15 A. I don't recall. 16 Q. No entry about that, is 17 there? 18 A. Without having fully 19 looked at the file I don't know. 20 (Whereupon, Plaintiff's 21 Exhibit Seven 22 was marked for 23 identification.)</p>	<p style="text-align: right;">100</p> <p>1 the form. 2 A. I don't know if he was 3 still hurting or not. 4 Q. That's what he was saying, 5 wasn't it? 6 A. I see that he -- to me, 7 what I see is that he's wanting 8 pain medication. 9 Q. It doesn't say pain 10 medication, does it? It says, the 11 lower back and foot hurts. 12 A. Yes, sir, both of which he 13 had been to a doctor for. 14 (Whereupon, Plaintiff's 15 Exhibit Eight 16 was marked for 17 identification.) 18 Q. I'll show you what's 19 marked as Exhibit Eight. This is a 20 further request to see the doctor, 21 isn't it? 22 MS. MCDONALD: Wait a 23 minute. I have more than one</p>

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<p>101</p> <p>1 marked December 3rd, so hold on. 2 There are two. 3 A. Okay. On -- there are 4 actually two on that date and on 5 the second one an appointment made 6 -- was made with Dr. James. 7 Q. The one that reflects an 8 appointment was made, what date 9 does it reflect? 10 A. December 3rd also, same 11 day. 12 (Whereupon, an 13 off-the-record 14 discussion was held.) 15 Q. (By Mr. Stockham) The one 16 that I'm looking at looks like that 17 the entry that an appointment was 18 made was 12-9-03; is that right? 19 A. That was the date of the 20 appointment, correct. 21 Q. Okay. It doesn't indicate 22 the time that that entry was 23 entered, does it?</p>	<p>103</p> <p>1 the 3rd and the 8th. If he turned 2 this request in at the end of the 3 week, then it would have been a 4 Monday before any follow-up could 5 have been done. But I don't know 6 what the days were. 7 And that, of course, is 8 assuming that Mr. Kelly had the 9 correct date at the top, which 10 apparently we've realized that 11 there's been a lot of discrepancies 12 on the dates that he has placed in. 13 (Whereupon, an 14 off-the-record 15 discussion was held.) 16 Q. (By Mr. Stockham) Now, 17 the next document that I want to -- 18 MS. MCDONALD: Wait, I've 19 got -- 20 MR. STOCKHAM: Huh? 21 MS. MCDONALD: I've got 22 the -- 23 THE WITNESS: I want to</p>
<p>102</p> <p>1 A. No, sir. But I would 2 assume that it was on the 3rd. 3 Q. But it doesn't say it was, 4 does it? 5 A. No, sir, it does not. 6 Q. In fact, the entry on the 7 Exhibit that I've given you, which 8 is Exhibit Eight, indicates that 9 the entry was handwritten in there 10 when? 11 A. On 12-8. 12 Q. On the 8th. 13 A. I would have to see a 14 calendar. If this occurred close 15 to the weekend there would be no 16 way to make Mr. Kelly an 17 appointment on the weekend, which 18 may account for the space between 19 the actual receipt of the request 20 and the actual appointment date. 21 Q. Between the 3rd and the 22 9th? 23 A. Yes, sir. Well, between</p>	<p>104</p> <p>1 look into trying to establish what 2 days of the week that was 3 concerning. 4 Okay, the 3rd would have 5 been on a Thursday. So if he 6 turned that in Thursday night -- 7 MS. MCDONALD: It's a 8 Wednesday. 9 THE WITNESS: Okay, 10 Wednesday. So -- and his 11 appointment was made for the 9th, 12 which would have been a Tuesday. 13 So if that request was received on 14 Wednesday, then I am assuming that 15 the officer either made that 16 appointment some time between the 17 3rd and the 5th, which is Wednesday 18 through Friday, and his appointment 19 was for that Monday, which to me is 20 a reasonable period of time. 21 Q. (By Mr. Stockham) The 9th 22 is a Tuesday. 23 MS. MCDONALD: It's this</p>

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<p style="text-align: right;">105</p> <p>1 one up here (indicating). 2 A. That's correct. 3 Q. Okay. Now -- 4 MR. STOCKHAM: Mark this, 5 please. 6 (Whereupon, Plaintiff's 7 Exhibit Nine 8 was marked for 9 identification.) 10 Q. I'll show you what is 11 marked as Exhibit Nine. That 12 reflects that an appointment was 13 made for 12-11-03, right? 14 A. Yes, sir. 15 MS. MCDONALD: Give her 16 just a minute, please, so she can 17 look at this. 18 (Witness examining 19 documents.) 20 A. Here again I would note 21 that apparently there is a 22 discrepancy and apparently Mr. 23 Kelly's not sure what day it is</p>	<p style="text-align: right;">107</p> <p>1 Q. And it indicates that Mr. 2 Kelly was seen by EMS personnel, 3 all of his vital signs were in 4 perfect condition. Since the call 5 he took inmate Kelly was not -- has 6 not complained of -- 7 A. Okay. 8 Q. -- since his fall -- 9 A. I think I can explain 10 that. 11 Q. -- he took. 12 A. Or possibly explain it. 13 If Mr. Hay was working night shift, 14 that may explain the -- the date 15 that he has placed on this 16 document. However, according to 17 the records that we -- the inmate 18 medical summary and so forth, that 19 this incident actually happened on 20 the 9th. 21 Q. Mr. Kelly's note of 22 12-7-03 at eleven oh seven says, I 23 want to know why when I fell and</p>
<p style="text-align: right;">106</p> <p>1 because he has it dated, 12-7 but 2 it's in reference to the incident 3 that actually took place on 12-11. 4 So with the -- or on 12-9. So with 5 the inconsistencies of Mr. Kelly's 6 dates, you know, I don't -- it's 7 hard to know or comment on exactly 8 what he is referring to, but 9 regarding the incident on the 10 9th -- 11 Q. Well, before you say -- 12 you say that this refers to the 13 incident that occurred on the 9th? 14 A. On 12-9. 15 Q. Then why would Mr. Hay 16 have responded to it on the 8th of 17 December? 18 A. I can't say. That's not 19 my handwriting. 20 Q. Well, the response from 21 the jail personnel is dated the 22 8th, isn't it? 23 A. That's correct.</p>	<p style="text-align: right;">108</p> <p>1 hurt my back they put me in the 2 holding pen but sent Teague -- is 3 it Teague, is there an inmate named 4 Teague? 5 A. I have no idea, sir. 6 Q. The black guy to the 7 hospital. 8 A. I have no idea of what 9 reference he's making, so I can't 10 comment on that. 11 Q. Well, evidently Mr. Kelly 12 was put in the holding cell? 13 A. For observation, medical 14 observation. 15 Q. And this entry was 16 responded to by -- at least in the 17 place where Mr. Hay signed it, on 18 12-8-03? 19 A. That's what I see. 20 Q. And below it it says, 21 appointment made for inmate Kelly. 22 Do you know whose handwriting that 23 is?</p>

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<p style="text-align: right;">109</p> <p>1 A. No, sir, I can't say.</p> <p>2 Q. Can you tell me why you</p> <p>3 would have made an appointment for</p> <p>4 Mr. Kelly for 12-11-03 on 12-8-03</p> <p>5 if he had an appointment already</p> <p>6 scheduled for 12-9?</p> <p>7 A. I cannot. I would assume</p> <p>8 that my record is correct when it</p> <p>9 states that this incident happened</p> <p>10 on 12-09, which would be --</p> <p>11 indicate that it was after his</p> <p>12 appointment on 12-09, which would</p> <p>13 indicate the need for an</p> <p>14 appointment on 12-11.</p> <p>15 Q. Now, you say, your record.</p> <p>16 A. On the inmate medical</p> <p>17 summary, or -- it indicates that</p> <p>18 this incident occurred at eighteen</p> <p>19 ten p.m., which would be six ten</p> <p>20 p.m., which would mean that his</p> <p>21 doctor's appointment had already</p> <p>22 taken place earlier that day. That</p> <p>23 would make him falling that night,</p>	<p style="text-align: right;">111</p> <p>1 perform for every inmate?</p> <p>2 A. No, sir. This is</p> <p>3 something I perform for an inmate</p> <p>4 who continually is having</p> <p>5 incidents, that is continually</p> <p>6 sending out requests, which</p> <p>7 indicates to me that this may turn</p> <p>8 into a problem.</p> <p>9 Q. In fact, do you know the</p> <p>10 date that you prepared this</p> <p>11 document?</p> <p>12 A. It is dated on one, 12-11,</p> <p>13 and another is dated 11 -- well,</p> <p>14 12-11. The other date is his</p> <p>15 actual booking date that I noted.</p> <p>16 Q. My question, though, is,</p> <p>17 what date did you prepare this</p> <p>18 summary?</p> <p>19 A. It would have been --</p> <p>20 MS. MCDONALD: This one</p> <p>21 (indicating)?</p> <p>22 Q. Either one that you're</p> <p>23 looking at. Which one are you</p>
<p style="text-align: right;">110</p> <p>1 which would then account for</p> <p>2 another appointment being initiated</p> <p>3 on the 12 -- or the 12-11 date.</p> <p>4 Q. Now, the inmate medical</p> <p>5 summary that you're referring to,</p> <p>6 who prepared that document?</p> <p>7 A. I did.</p> <p>8 Q. And why did you prepare</p> <p>9 that document?</p> <p>10 A. As documentation on the</p> <p>11 incident.</p> <p>12 Q. Well, now, this is not a</p> <p>13 document of a single incident.</p> <p>14 This has one, two, three, four --</p> <p>15 A. Yes, sir --</p> <p>16 Q. -- five, six, seven.</p> <p>17 A. -- it says -- it's titled</p> <p>18 -- it's a summary of his medical</p> <p>19 care while there.</p> <p>20 Q. While where?</p> <p>21 A. Incarcerated in the Coosa</p> <p>22 County jail.</p> <p>23 Q. And is this something you</p>	<p style="text-align: right;">112</p> <p>1 looking at right now?</p> <p>2 A. I am looking at this one</p> <p>3 (indicating).</p> <p>4 MR. WILLFORD: Can we do</p> <p>5 something to indicate for the</p> <p>6 record what it is that we're</p> <p>7 talking about?</p> <p>8 MR. STOCKHAM: I'm trying</p> <p>9 to find out which one she's talking</p> <p>10 about so I can enter them into the</p> <p>11 record.</p> <p>12 A. One is titled, inmate</p> <p>13 summary, and the other one is</p> <p>14 titled, inmate medical summary.</p> <p>15 Q. (By Mr. Stockham) All</p> <p>16 right. Let's mark as Exhibit Ten</p> <p>17 the inmate summary.</p> <p>18 (Whereupon, Plaintiff's</p> <p>19 Exhibit Ten</p> <p>20 was marked for</p> <p>21 identification.)</p> <p>22 Q. And this is something that</p> <p>23 you wrote?</p>

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<p>113</p> <p>1 A. Yes, sir.</p> <p>2 Q. And why did you write this</p> <p>3 on 12-11-03?</p> <p>4 A. Any time that we have an</p> <p>5 incident in the jail that may</p> <p>6 result in repercussions later, any</p> <p>7 time an inmate is injured or claims</p> <p>8 to be injured, I would prepare</p> <p>9 something like this to document the</p> <p>10 incidents and the actions of the</p> <p>11 officers in response to the</p> <p>12 incident in order to make for my</p> <p>13 recollection any disputes that may</p> <p>14 arise later.</p> <p>15 Q. And in this case, Mr.</p> <p>16 Kelly was transported to the</p> <p>17 hospital on --</p> <p>18 A. 12-9.</p> <p>19 Q. -- 12-9-03?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And he was put in the</p> <p>22 holding cell when he returned from</p> <p>23 the hospital?</p>	<p>115</p> <p>1 (indicating) is in regard to this</p> <p>2 12-9 incident.</p> <p>3 Q. (By Mr. Stockham) Well,</p> <p>4 Mr. Hay certainly signed it on</p> <p>5 12-8, though, didn't he?</p> <p>6 A. Yes, sir, but I -- despite</p> <p>7 the inconsistencies and the dates I</p> <p>8 do believe to my recollection that</p> <p>9 it is involving the December 9th</p> <p>10 incident.</p> <p>11 Q. Could be two, though?</p> <p>12 MS. MCDONALD: Object to</p> <p>13 the form.</p> <p>14 A. No recollection of two.</p> <p>15 Q. This Exhibit Nine says, I</p> <p>16 want to know why when I fell I hurt</p> <p>17 my back and they put me in the</p> <p>18 holding pen. So, at least</p> <p>19 according to his request, it</p> <p>20 indicates that he fell on the 7th</p> <p>21 and he was put in the holding pen.</p> <p>22 A. Well, with no way of</p> <p>23 knowing the actual -- the actual</p>
<p>114</p> <p>1 A. Yes, sir.</p> <p>2 Q. Now, is there -- so at</p> <p>3 least he -- by your record he's had</p> <p>4 at least one fall by 12-9, and by</p> <p>5 the record of Exhibit Eight or Nine</p> <p>6 he appears --</p> <p>7 MR. STOCKHAM: Hand me</p> <p>8 Nine.</p> <p>9 Q. By Nine, Exhibit Nine, it</p> <p>10 appears he had a fall on the 7th as</p> <p>11 well?</p> <p>12 MS. MCDONALD: Object to</p> <p>13 the form.</p> <p>14 A. This --</p> <p>15 MS. MCDONALD: I think</p> <p>16 we've already established that</p> <p>17 there is a question as to whether</p> <p>18 this date is correct.</p> <p>19 A. I believe this --</p> <p>20 MS. MCDONALD: And this</p> <p>21 says nothing about a fall.</p> <p>22 A. -- is in regard -- I</p> <p>23 believe -- I believe that this</p>	<p>116</p> <p>1 date of what incident he's</p> <p>2 referring to, all I can agree to is</p> <p>3 what he has written on the paper.</p> <p>4 Q. And what Mr. Hay has</p> <p>5 written on the bottom?</p> <p>6 A. Correct.</p> <p>7 (Whereupon, Plaintiff's</p> <p>8 Exhibit Eleven</p> <p>9 was marked for</p> <p>10 identification.)</p> <p>11 Q. Now, I'm going to show you</p> <p>12 what I marked as the next Exhibit,</p> <p>13 which I believe is Eleven. And</p> <p>14 that's a summary --</p> <p>15 A. Yes, sir.</p> <p>16 Q. Do you have that?</p> <p>17 A. I have that right here.</p> <p>18 Q. Who prepared that summary?</p> <p>19 A. I did.</p> <p>20 Q. And when did you prepare</p> <p>21 that summary?</p> <p>22 A. I would imagine I prepared</p> <p>23 it the same time that I prepared</p>

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<p style="text-align: right;">117</p> <p>1 the inmate summary. 2 Q. Well, the inmate summary 3 -- at least it appears to have been 4 prepared on December 11th? 5 A. Correct. 6 Q. This document, though, 7 Exhibit Eleven, reflects an entry 8 for January 14th, 2003. 9 A. Actually I think that's a 10 typo on my part. I think it should 11 have been January '04. 12 Q. And that entry for January 13 '04, 2003 -- you have a -- that 14 certainly would not have been 15 something that you prepared by 16 December 11th? 17 A. No, sir. Well, after 18 review it would indicate that this 19 document (indicating) was prepared 20 sometime after this document 21 (indicating). This document 22 (indicating) was prepared regarding 23 a specific incident. This</p>	<p style="text-align: right;">119</p> <p>1 A. Yes, sir, to have in his 2 file, for reference and, such as I 3 said, as the situation is today. 4 Q. Now, noting on the 9th, it 5 reflects that he was transported to 6 Russell Hospital. It doesn't say 7 anything about going to Dr. James 8 on the 9th, does it? 9 A. Which document are you 10 referring to? 11 Q. I'm looking at this inmate 12 medical summary, Exhibit Eleven. 13 A. Okay. 12-9, summoned for 14 alleged fall; transported to ER; 15 returned to jail, no injuries 16 substantiated by a doctor. 17 And then on 12-11, two 18 days later, he was taken to 19 Pri-care for a medical exam. 20 Q. But prior to that, on the 21 9th, when he had previously had -- 22 at least allegedly had an 23 appointment on the 9th for going to</p>
<p style="text-align: right;">118</p> <p>1 (indicating) shows a -- a 2 collective chronological account of 3 each of the incidents and the steps 4 taken to resolve those incidents 5 from a period of November 23rd 6 through January 14th of '04. 7 Q. Now, why did you prepare 8 this document, Exhibit Eleven, from 9 the 23rd through January 14th? 10 A. Because of Mr. Kelly's 11 parents, their continual activity 12 and -- and accusations. They were 13 claiming that we weren't doing 14 anything to help Mr. Kelly during 15 his incarceration. This is the 16 result of something that I was 17 taught in jail management school, 18 to document every incident, 19 document everything you do for just 20 such a situation as we're in today. 21 Q. And you documented it to 22 put it in his file or for what 23 other reason?</p>	<p style="text-align: right;">120</p> <p>1 Dr. James, it doesn't reflect that 2 he went there, does it? 3 A. No, sir, it does not. 4 Q. And that certainly would 5 have been something that you would 6 have wanted to put on the summary 7 if he had in fact gone to Dr. James 8 on the 9th -- 9 MS. MCDONALD: Object to 10 the form. 11 Q. You can answer. 12 A. I don't know. Without 13 looking at actual jail -- sheriff's 14 department medical receipts as to 15 payment for when Mr. Kelly was seen 16 by the doctor I cannot actually 17 substantiate when his doctors' 18 appointments were actually visited 19 by him. However, for whatever 20 reason, on 12-9, it was important 21 to me at that time that I state 22 that EMS was summoned and that he 23 was transported to the hospital for</p>

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<p style="text-align: right;">121</p> <p>1 the injuries that he claimed he 2 had. 3 I would also note that I 4 also included the fact that no 5 injury substantiated by a doctor. 6 Q. Now, you didn't ask for 7 Mr. Kelly to be evaluated for 8 seizures when you had him 9 transported, did you? 10 A. If I recall, when Mr. 11 Kelly -- prior to Mr. Kelly coming 12 into the jail he had no seizure 13 history other than what he claimed 14 he had. We could not substantiate 15 through any doctor that he was 16 being treated for seizures. And 17 therefore, unless I witness a 18 seizure or I have documentation 19 that states this inmate has 20 seizures and is being treated for 21 seizures, I have to assume that the 22 inmate is either telling me an 23 untruth, or he is experiencing a</p>	<p style="text-align: right;">123</p> <p>1 alleged seizure. 2 A. Alleged. 3 Q. When you say, brought up 4 front, do you mean put him in the 5 hole? 6 A. Brought them up -- 7 MS. MCDONALD: Object to 8 the form. 9 A. -- to the observation -- 10 MS. MCDONALD: Wait a 11 minute. You're referring to the 12 hole -- it's a holding cell. Are 13 you going to refer to it what -- as 14 what the inmates refer to it as or 15 what it's actually called? 16 A. It's actually a holding 17 cell that has a camera in it so 18 that the inmate can be supervised 19 at all times for any -- any falls, 20 any medical conditions, can make 21 gestures to the camera that he is 22 in need of assistance, and so 23 forth.</p>
<p style="text-align: right;">122</p> <p>1 medical problem that has not yet 2 been diagnosed by a doctor. But 3 until I witness that incident, or 4 an officer witnesses that incident, 5 then it is basically, he says he 6 has this, without any proof. 7 Q. Well, look up on Exhibit 8 Eleven, again, on the 11-27-03 9 incident. 10 A. Okay. Wait just a minute. 11 We've got exhibits scattered 12 everywhere. 13 Q. No, this is this, your 14 inmate medical summary. 15 A. Oh, okay. 16 MS. MCDONALD: Hers is not 17 marked, so she doesn't know which 18 one you're referring to when you 19 say, 11. 20 MR. STOCKHAM: I'm 21 referring to it for the record. 22 Q. It says, brought up front 23 for medical observation following</p>	<p style="text-align: right;">124</p> <p>1 Q. (By Mr. Stockham) Now, 2 the first note that you have here 3 about his needing -- a seizure was 4 11-27, right? 5 A. Yes, sir. 6 Q. But it shows that he had a 7 fall back on 11-23? 8 A. Correct. 9 Q. But as of -- 10 MS. MCDONALD: Object to 11 the form. Actually it says an 12 alleged fall and an alleged 13 seizure. Let's -- if we're going 14 to put it in here, let's put it in 15 accurately as to what it states. 16 A. And when it says, alleged, 17 that is my indication that no 18 officer witnessed his fall, alleged 19 fall, and no inmate witnessed his 20 alleged fall. He said he fell. 21 Q. Well, in fact, the 22 documentation reflects that he had 23 reported seizures when he checked</p>

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<p style="text-align: right;">125</p> <p>1 into the jail?</p> <p>2 A. Certainly, he did.</p> <p>3 Q. And that he had incidents</p> <p>4 that were at least consistent with</p> <p>5 seizures on the 23rd, the 27th, and</p> <p>6 according to your note the 9th?</p> <p>7 MS. MCDONALD: Object to</p> <p>8 the form.</p> <p>9 A. I can't say what is</p> <p>10 consistent with seizures. All I</p> <p>11 can say is that Mr. Kelly claimed</p> <p>12 that he had a seizure, though no</p> <p>13 one witnessed him have a seizure,</p> <p>14 and he claimed that he fell, though</p> <p>15 no one witnessed him fall.</p> <p>16 Q. But at any point did you</p> <p>17 ask the doctors to evaluate him for</p> <p>18 that seizure?</p> <p>19 A. If he was taken to the</p> <p>20 doctor --</p> <p>21 MS. MCDONALD: Object to</p> <p>22 the form.</p> <p>23 A. If he was taken to the</p>	<p style="text-align: right;">127</p> <p>1 recess was taken in</p> <p>2 the deposition.)</p> <p>3 Q. (By Mr. Stockham) Looking</p> <p>4 at Exhibit Eleven, the last -- and</p> <p>5 that's the -- your inmate medical</p> <p>6 summary.</p> <p>7 A. Yes, sir.</p> <p>8 Q. That is -- the last entry</p> <p>9 on that is January 14th?</p> <p>10 A. Correct.</p> <p>11 Q. And the -- it doesn't</p> <p>12 reflect the transport to the</p> <p>13 hospital on January the 16th.</p> <p>14 A. All I see entered on</p> <p>15 January 16th is that EMS came to</p> <p>16 the jail and that no transport was</p> <p>17 necessary.</p> <p>18 Q. January 16th?</p> <p>19 A. No, sir, this -- this ends</p> <p>20 January 14th.</p> <p>21 Q. So if it doesn't have the</p> <p>22 January --</p> <p>23 MR. STOCKHAM: I'll mark</p>
<p style="text-align: right;">126</p> <p>1 doctor for a fall, the doctor would</p> <p>2 certainly have been advised as to</p> <p>3 the conditions of that fall, as</p> <p>4 according to what the inmate</p> <p>5 claims, and certainly it's my</p> <p>6 experience when visiting the doctor</p> <p>7 that he asks me questions that I as</p> <p>8 a patient answer, which I would</p> <p>9 assume Mr. Kelly did as well.</p> <p>10 Q. So you didn't make any</p> <p>11 arrangements for him to be</p> <p>12 evaluated for seizures?</p> <p>13 A. No, sir, because I'm not a</p> <p>14 doctor and I'm not going to call</p> <p>15 and make an appointment with a</p> <p>16 doctor for a seizure when I don't</p> <p>17 in fact know that that inmate</p> <p>18 experienced a seizure.</p> <p>19 MS. MCDONALD: Can we take</p> <p>20 a break?</p> <p>21 MR. STOCKHAM: Sure, yes.</p> <p>22 Absolutely.</p> <p>23 (Whereupon, a brief</p>	<p style="text-align: right;">128</p> <p>1 this as the next Exhibit.</p> <p>2 (Whereupon, Plaintiff's</p> <p>3 Exhibit Twelve</p> <p>4 was marked for</p> <p>5 identification.)</p> <p>6 Q. I'll show you what's</p> <p>7 marked as Exhibit Twelve, if you'll</p> <p>8 look at that. That reflects that</p> <p>9 Mr. Kelly was taken to Russell ER,</p> <p>10 doesn't it?</p> <p>11 (Witness examining</p> <p>12 documents.)</p> <p>13 A. Well, what I see is that</p> <p>14 it was advised by Dr. James that he</p> <p>15 should be transported to Russell</p> <p>16 ER, and that Chief Deputy Brad</p> <p>17 Oakes actually arrived to transport</p> <p>18 Kelly to Russell ER.</p> <p>19 Q. So he was transported to</p> <p>20 Russell ER on the 16th?</p> <p>21 A. Correct.</p> <p>22 Q. But that was not reflected</p> <p>23 on your --</p>

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<p style="text-align: right;">129</p> <p>1 A. No, sir. On the day --</p> <p>2 Q. -- inmate medical summary?</p> <p>3 A. -- no, sir. On the day</p> <p>4 that that inmate medical summary</p> <p>5 was recorded, the last incident as</p> <p>6 of that time was January 14th.</p> <p>7 Q. So you had prepared this</p> <p>8 before --</p> <p>9 A. Prior to the 16th.</p> <p>10 Q. -- the 16th?</p> <p>11 So it was either the 14th</p> <p>12 or the 15th?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Now, on the 16th -- before</p> <p>15 I --</p> <p>16 MR. STOCKHAM: I'll mark</p> <p>17 this as the next Exhibit.</p> <p>18 (Whereupon, Plaintiff's</p> <p>19 Exhibit Thirteen</p> <p>20 was marked for</p> <p>21 identification.)</p> <p>22 Q. On the 10th -- I'll show</p> <p>23 you what's marked as Exhibit</p>	<p style="text-align: right;">131</p> <p>1 in your response you don't address</p> <p>2 his request to see a doctor, do</p> <p>3 you?</p> <p>4 A. No, sir.</p> <p>5 Q. Why not?</p> <p>6 A. Well, I think over that</p> <p>7 period of time he had been to the</p> <p>8 hospital on the 9th and -- which</p> <p>9 would have been the day before.</p> <p>10 MS. MCDONALD: Where is</p> <p>11 that --</p> <p>12 (Whereupon, an</p> <p>13 off-the-record</p> <p>14 discussion was held.)</p> <p>15 A. All right. He had been to</p> <p>16 the hospital the night before on</p> <p>17 the 9th. He was taken again on the</p> <p>18 11th, the next day after the 10th,</p> <p>19 for a medical exam.</p> <p>20 Q. (By Mr. Stockham) Well,</p> <p>21 when you responded on the 11th you</p> <p>22 don't say anything about the fact</p> <p>23 that he was going to the doctor</p>
<p style="text-align: right;">130</p> <p>1 Thirteen.</p> <p>2 On the 10th of December</p> <p>3 Mr. Kelly asked to see Sheriff</p> <p>4 Owens and the doctor.</p> <p>5 MS. MCDONALD: Which --</p> <p>6 hang on a second. I've got another</p> <p>7 one that's -- because I've got two</p> <p>8 dates or two requests on that same</p> <p>9 date. Actually there are three</p> <p>10 requests on that date that I can</p> <p>11 find right now. Let's be sure</p> <p>12 you've got the right one.</p> <p>13 Q. You've got the --</p> <p>14 A. Yes, sir.</p> <p>15 Q. The request that I'm</p> <p>16 looking at is dated, December 10,</p> <p>17 2003, time, eleven fifteen. Is</p> <p>18 that your signature at the bottom?</p> <p>19 A. Yes, it is.</p> <p>20 Q. And you've dated it,</p> <p>21 12-11-03?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And in it you respond --</p>	<p style="text-align: right;">132</p> <p>1 that day, do you?</p> <p>2 A. No, sir. In between all</p> <p>3 of these inmate requests you have</p> <p>4 to understand that there was a lot</p> <p>5 of oral correspondence with Mr.</p> <p>6 Kelly. Most of what we were doing</p> <p>7 at this point was repetitive with</p> <p>8 him. He was sending them out one</p> <p>9 after the other. Now, you tell an</p> <p>10 inmate what the status is and you</p> <p>11 don't have time to go back to this</p> <p>12 inmate over and over and over</p> <p>13 again. I believe that our response</p> <p>14 to him had been satisfaction -- I</p> <p>15 mean, we gave him satisfaction. We</p> <p>16 were aware of his requests, we were</p> <p>17 making appointments, he was getting</p> <p>18 medical care. But anything beyond</p> <p>19 that becomes frivolous.</p> <p>20 Q. The fact, all you say in</p> <p>21 this response, Exhibit Thirteen, is</p> <p>22 that if he has a problem that he</p> <p>23 needs to speak to someone about,</p>

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<p style="text-align: right;">133</p> <p>1 then the sergeant or the lieutenant 2 will be glad to speak with him? 3 A. In fact, that is correct, 4 and which I did speak with him. 5 The officers, the other corrections 6 officers spoke with him and as I 7 was addressing in that his constant 8 request to see the sheriff. It is 9 not a common incidence for the 10 sheriff to speak with the inmates. 11 That is what he has the lieutenant, 12 myself and the other corrections 13 officers for. There is a grievance 14 policy that if the situation cannot 15 be resolved between the officers, 16 the sergeant and the lieutenant, 17 then certainly that inmate would 18 take his grievance to the sheriff. 19 But at this point there was 20 nothing -- his demands were being 21 met. He was getting medical care. 22 He was getting medication according 23 and prescribed by a doctor. And</p>	<p style="text-align: right;">135</p> <p>1 Ma'am? 2 A. Sir? 3 Q. Who's Kay Taylor? 4 A. Kay Taylor was a 5 corrections officer at the jail. 6 Q. Do you have that document 7 there in your file? 8 A. I do. 9 Q. Why don't you look at that 10 so we can go over it together. 11 Did you instruct Kay 12 Taylor to write out this statement? 13 A. No, sir, I did not. I 14 don't know -- well, I'll say that I 15 don't recall. She may have called 16 me. I may have said, be sure you 17 write it down, but I don't 18 necessarily know that I did. 19 Officers knew that when 20 they had an incident that they were 21 required to write a statement of 22 what they saw and heard. 23 Q. Now, in addition to Mr.</p>
<p style="text-align: right;">134</p> <p>1 beyond that, I believe that the 2 officers as well as myself, and 3 Lieutenant Wilson, met everything 4 within the state required legal 5 standards for medical care. 6 Q. Now, on the 16th of 7 December Mr. Kelly had another 8 fall, did he not? 9 MS. MCDONALD: Object to 10 the form. 11 A. Not to my knowledge. 12 Well, alleged fall. 13 Q. Well, an alleged fall? 14 A. An alleged fall. 15 Q. Well, let me show you what 16 I'm going to mark as Exhibit 17 Fourteen. 18 (Whereupon, Plaintiff's 19 Exhibit Fourteen 20 was marked for 21 identification.) 22 Q. This is a statement signed 23 by Kay Taylor. Who is Kay Taylor?</p>	<p style="text-align: right;">136</p> <p>1 Kelly reporting that he had a 2 seizure, a correction officer had 3 seen him flopping around on the 4 ground. 5 MS. MCDONALD: Object to 6 the form. Let her read over this 7 but I don't -- 8 Q. Have you reviewed that 9 document? 10 MS. MCDONALD: Kay 11 Taylor's -- 12 MR. STOCKHAM: Yes. 13 MS. MCDONALD: -- report? 14 I don't -- does it say what -- 15 (Witness examining 16 documents.) 17 A. Yes, sir. 18 MS. MCDONALD: Wait a 19 minute. What was the question, 20 Richard? 21 MR. STOCKHAM: Have you 22 read the document? 23 A. Yes, sir.</p>

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